



STATE OF MICHIGAN  
TERRI LYNN LAND, SECRETARY OF STATE  
DEPARTMENT OF STATE  
LANSING

**MEMORANDUM**

**DATE:** January 5, 2010  
**TO:** Statewide Ballot Question Committees  
**FROM:** Michigan Department of State, Bureau of Elections  
**SUBJECT:** 2010 Campaign Finance Filing Deadlines

**Carefully read this memo to determine if the described filings are required of your committee.**

- **Covered in this Memo:**

**Updated Version of MERTS Plus Software**  
**Campaign Statement Filing Deadlines for 2010 Calendar Year**  
**Qualification and Non-Qualification Campaign Statements**  
**Coverage Dates of Statements**  
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**Ensure Timely Filing!**  
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This memorandum will be the main correspondence you will receive from the Bureau of Elections regarding your filing requirements for the 2010 calendar year. This memorandum is also available on our Web site: [www.Michigan.gov/sos](http://www.Michigan.gov/sos).

You will receive a postcard before each required filing. However, it will just be a reminder and will not contain all of the following information. In addition, committees that provide an up-to-date email address on the committee's Statement of Organization will receive an email filing reminder in addition to the postcard. See page 5 of this memo for information on filing an amendment to the Statement of Organization.

### **Updated Version of MERTS Plus Software**

An updated version of the MERTS Plus software is now available at [www.Mertsplus.com](http://www.Mertsplus.com). The new version has added features that afford greater usability and flexibility over the previous version. Current users of the software received an e-mail explaining how to obtain the new version and how it has changed. The memo can be found at [www.Michigan.gov/sos](http://www.Michigan.gov/sos). Select:

1. "Elections in Michigan"
2. "Campaign Finance Disclosure"
3. "Spotlight"

If you are not currently using the MERTS Plus software to file your Campaign Statements, you can go to [www.Mertsplus.com](http://www.Mertsplus.com) and take the online training or sign-up to take training at the Bureau of Elections. After you have completed training, you will be provided with instructions on how to download the software.

### **Campaign Statement Filing Deadlines for 2010 Calendar Year**

Close of books for Annual reporting period	December 31, 2009
Annual Campaign Statement filing deadline	February 1, 2010
Close of books for Pre-General reporting period	October 17, 2010
Pre-General Campaign Statement filing deadline	October 22, 2010
<b>GENERAL ELECTION</b>	<b>November 2, 2010</b>
Close of books for Post-General reporting period	November 22, 2010
Post-General Campaign Statement filing deadline	December 2, 2010

### **Qualification and Non-Qualification Campaign Statements**

A Ballot Question Committee that supports or opposes the qualification of a statewide ballot proposal is required to file a Qualification or Non-Qualification Campaign Statement 35 days after the proposal either qualifies or fails to qualify for the ballot (books close 28 days after the qualification or non-qualification date). The due date of a Qualification or Non-Qualification Campaign Statement [is based on the date that the Board of State Canvassers approves or rejects the petition filings](#). The reports are not waived by the Reporting Waiver.

### **Coverage Dates Campaign Statements**

A Campaign Statement's opening date is the day after the closing date of the last Campaign Statement filed by the committee. If the committee has never filed Campaign Statements, the opening date of the first Campaign Statement filed is the earlier of the following two dates: 1) the committee's formation date or 2) the date the committee accepted its first contribution or made its first expenditure.

### **Forms: Number of Copies Required**

Forms for filing Campaign Statements are available on our Web site at [www.Michigan.gov/sos](http://www.Michigan.gov/sos).

- When filing on paper, one original copy of the Campaign Statement is required. A duplicate copy is not required.
- When filing electronically, a paper submission is not required.

### **Late Contribution Reports**

A Ballot Question Committee that participates in an election in 2010 is required to file a "Late Contribution Report" if the committee receives a single contribution of \$200.00 or more between the 15<sup>th</sup> and 3<sup>rd</sup> day before an election. See below.

<b>Election Date</b>	<b>Contribution Dates</b>
<b>February 23, 2010</b>	<b>02/08/2010 through 02/20/2010</b>
<b>May 4, 2010</b>	<b>04/19/2010 through 05/01/2010</b>
<b>August 3, 2010</b>	<b>07/19/2010 through 07/31/2010</b>
<b>November 2, 2010</b>	<b>10/18/2010 through 10/30/2010</b>

A Late Contribution Report must be received by this office within 48 hours after the committee's receipt of the contribution. A Late Contribution Report must contain the date and amount of the contribution along with the contributor's name, street address, occupation, employer and principal place of business. **The late contribution must also be disclosed on the next Campaign Statement filed by the committee.**

Committees that file electronically must use e-IDR to file Late Contribution Reports. However, all committees are encouraged to use the e-IDR program voluntarily. Late filing fees will be assessed in instances where reports that must be submitted electronically are not filed using e-IDR.

To file using e-IDR, go to [www.Michigan.gov/sos](http://www.Michigan.gov/sos) and select:

1. "Elections in Michigan"
2. "Campaign Finance Disclosure"
3. "E-Filing"
4. "Immediate Disclosure Reports (e-IDR)"

For committees not required to file electronically the report may be submitted by fax or any other means of written communication. The fax number for the Bureau of Elections is (517) 373-0941. A Late Contribution Report need not contain an original signature. A form for filing a Late Contribution Report on paper is available on our Web site: [www.Michigan.gov/sos](http://www.Michigan.gov/sos).

- Late Contribution Reports are not waived by a Reporting Waiver. However, committees with a Reporting Waiver are not required to show late contributions on a Campaign Statement.

A committee treasurer or designated record keeper who fails to file a Late Contribution Report required under Michigan's Campaign Finance Act is responsible for the payment of a late filing fee up to \$2,000.00. **NOTE: Appendix E of the Ballot Question Committee Manual details how quickly this fee accumulates.**

### **Ensure Timely Filing!**

A Campaign Statement that is hand-delivered or sent by first class mail must reach this office before 5:00 p.m. on the date the Campaign Statement is due. Be sure to allow ample mailing time if sending first class.

An electronic filing sent via the Internet must be transmitted and received by the Bureau of Elections by 5:00 p.m. on the date the Campaign Statement is due.

An Annual or Post-Election Campaign Statement filed on paper or removable media that is mailed by registered mail, certified mail or an overnight delivery service and postmarked on or before the filing deadline will be viewed as a timely filing regardless of when it arrives.

A Pre-Election Campaign Statement filed on paper or removable media that is mailed by registered mail, certified mail or an overnight delivery service and postmarked two or more calendar days prior to the due date will be viewed as a timely filing regardless of when it arrives.

### **Avoid Late Filing Fees!**

A Ballot Question Committee that fails to file a required Annual Campaign Statement, a late filing fee is assessed as follows:

- If the committee raised **\$10,000.00 or less** during the previous 2 years, a \$25.00 late filing fee will be assessed each business day the Statement remains unfiled up to \$500.00.
- If the committee raised **more than \$10,000.00** during the previous 2 years, a \$50.00 late filing fee will be assessed each business day the Statement remains unfiled up to \$1,000.00.

A Ballot Question Committee that fails to file a required Pre-Election or Post-Election Campaign Statement, a late filing fee is assessed as follows:

- If the committee raised **\$10,000.00 or less** during the previous 2 years, a \$25.00 late filing fee will be assessed each business day the Statement remains unfiled up to \$1,000.00.
- If the committee raised **more than \$10,000.00** during the previous 2 years, a \$50.00 late filing fee will be assessed each business day the Statement remains unfiled up to \$2,000.00.

### **Accurate Campaign Statements Required!**

Be sure to include complete and accurate information on the Statement forms. Notices will be sent to the committee if forms are left off, figures are wrong, addresses are incorrect, etc. The committee is then required to file an amendment to correct the error.

- A Campaign Statement will not be accepted if it is illegible, does not bear a proper signature or is not the proper size.
- A Ballot Question Committee planning to file electronically must use MERTS Plus software issued by the Department of State's Bureau of Elections.
- A Campaign Statement that is filed by removable media will not be considered filed if it cannot be loaded due to circumstances that are not within the Department's control including missing files, incorrect file attachments or corrupt files.
- A Campaign Statement submitted on paper by a committee required to file electronically will not be accepted.

### **Statement of Organization Amendments Required With Campaign Statement**

We urge you to review your committee's Statement of Organization before you file a Campaign Statement. If any information on the Statement of Organization has changed, be sure to file an appropriate amendment to the form no later than the due date of the Campaign Statement. The committee is encouraged to file an amended Statement of Organization as soon as a change of information takes place. An amended Statement of Organization cannot be filed electronically. If a committee has a Reporting Waiver and is not required to file Campaign Statements, amendments to the Statement of Organization may be filed any time information on the form changes.

To download a Statement of Organization form for Ballot Question Committees go to [www.Michigan.gov/sos](http://www.Michigan.gov/sos) and select:

1. "Elections in Michigan"
2. "Campaign Finance Disclosure"
3. "Forms and Filing Materials"
4. "Ballot Question Committee"

Committees are responsible for notifying the Bureau of Elections when the committee's mailing address changes. Failure to receive correspondence from the Bureau of Elections is not a defense for failing to file a required Statement in a timely manner.

### **Annual Campaign Statement**

A Ballot Question Committee that does not fall under one of the following exemptions must file the Annual Campaign Statement:

- Currently has a Reporting Waiver or qualifies for and obtains a Reporting Waiver on or before February 1, 2010. (The Reporting Waiver exemption is discussed in greater detail later in this memo.)
- Files a Post-General Campaign Statement during December 2009.

### **Pre-Election and Post-Election Campaign Statement**

A Ballot Question Committee must file the **Pre-General** Campaign Statement if by October 17 the committee makes an expenditure to support or oppose a ballot question on the November 2 general election ballot.

A Ballot Question Committee must file the **Post-General** Campaign Statement if the committee was required to file the Pre-General Campaign Statement or if between October 18 and November 22 the committee makes an expenditure to support or oppose a ballot question on the November 2 general election ballot.

**The Pre-Election and Post-Election Campaign Statements also apply to committees that make ballot question related expenditures in local elections held on February 23, 2010, May 4, 2010 and August 3, 2010. See the “2010 Campaign Finance Reporting Dates to Remember” insert for details.**

### **Reporting Waiver Provisions**

A committee that does not expect to receive or spend more than \$1,000.00 for any election is eligible for a Reporting Waiver. A committee that qualifies for, and receives, a Reporting Waiver is exempt from filing Campaign Statements.

- To become eligible for a Reporting Waiver, the committee must check item 10 on its Statement of Organization. This tells the filing official that the committee does not expect to receive or spend more than \$1,000.00 for any election. The committee can check item 10 on its original Statement of Organization or on an amendment to its Statement of Organization.
- A committee that does not check item 10 on its Statement of Organization must file Campaign Statements regardless of the amount received or spent during the reporting period.
- A committee loses its Reporting Waiver if it receives or spends more than \$1,000.00 for an election. Funds held by the committee after the date of an election count toward the “amount received” for the next election. If the Reporting Waiver is lost, the committee must file the next required Campaign Statement.

### **Identification Requirements**

All PAC's, Ballot Question Committees and Political Party Committees are required to add the statement "**paid for with regulated funds**" to the identification or disclaimer included on printed matter or in paid radio or television advertisements. The use of the phrase, "Paid for with regulated funds by (name and address of committee)" is recommended.

### **Dissolution Information**

Committees that no longer participate in Michigan elections are encouraged to dissolve. A dissolved committee has no further filing obligations. Please refer to the Ballot Question Committee manual for additional details on dissolving the committee.

### **Questions?**

If you have any questions please feel free to phone us at (517) 373-2540 or write us at the address indicated below. The address below should also be used to mail your filings by first class mail, registered mail or certified mail.

Michigan Department of State  
Bureau of Elections  
Post Office Box 20126  
Lansing, Michigan 48901-0726  
Email: [Disclosure@Michigan.gov](mailto:Disclosure@Michigan.gov)

If you would like to visit our office or mail a filing by an overnight delivery service, the address below is provided.

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